CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JULY 19, 2005 6:00 P.M.

Call to Order: 6:00 p.m.
Roll Call: Council Member Irish, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West
Absent: Council Member Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Litigation: Greene v. City of Porterville.
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
   3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Stadtherr
Invocation - One individual participated.

PROCLAMATIONS
• Marlene Marquez
   Mayor West read and presented the Proclamation to Ms. Marquez.
• Porterville Kid’s Day 2005
   Council Member Stadtherr read and presented the Proclamation.

PRESENTATIONS
Certificates of Appreciation - National Guard Returnees
The Council honored the following soldiers who had recently returned from Iraq:
• SSG Thomas Pauley
• SPC Kyrt Lane
• SPC Sandro Mungia
• SPC Jesus Hernandez-Guerrero
• SPC Manuel Magdaleno-Diaz
• SPC Juan Vega
• SPC Eric Camarillo
• SPC Floyd Oliphant
• SPC Lindsey Trent
• SPC Gregory Shirk
• 1st Lt David Silva
• SPC Dario M. Davalos
Outstanding Business Honoree - Royalty Carpets

- Community Development Director Brad Dunlap offered a presentation on the accomplishments of Royalty Carpets and presented the business with the award. Mr. Dennis Johnson accepted the award on behalf of Royalty Carpets.

City Manager’s Featured Projects for June, 2005

- Williford Street Reconstruction Project
  Public Works Director Baldo Rodriguez offered a presentation on the project.

ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, thanked the Council and staff for the Williford Drive project.
- Joe Guerrero, 332 South F Street, on behalf of Porterville Feed, thanked the Council and staff for patching the potholes in the alleyway behind Porterville Feed.
- April Tolson, 246 South Chestnut, informed the Council that students from Civics classes from Granite Hills High, Porterville High and Monache High Schools were in attendance.
- Dick Eckhoff, 180 North Main Street, requested that he have an opportunity to speak on Items 26 and 27.
- Dorothy Broome, 863 South Crystal, confirmed that Williford Drive had flooded during the 1970s.
- Armando Love, Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
- Donette Silva-Carter, Porterville Chamber of Commerce President, invited everyone to the taping of Channel 24’s “On the Road Show” to take place at the Cookie Cottage on July 27th between 5:00 a.m. and 7:00 a.m.
- Jessie Vasquez, 477 West Union, a Porterville High School student, questioned when his street would be paved, to which staff pointed out he currently resided in a County island.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF JUNE 10, 2005

Recommendation: That the Council approve the City Council Minutes of June 10, 2005.

Documentation: M.O. 01-071905
Disposition: Approved.

2. BUDGET ADJUSTMENTS FOR THE 2005/2006 FISCAL YEAR

Recommendation: That the City Council approve the budget adjustments to increase appropriation in the amount of $35,510 in the Capital Project Account for the construction of Centennial Park Plaza to allow for expenditure of all donated funds.

Documentation: M.O. 02-071905
Disposition: Approved.
4. **AUTHORIZATION TO ADVERTISE FOR BIDS - SCENIC HEIGHTS WATERLINE RELOCATION PROJECT**

**Recommendation:** That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the Project.

**Documentation:** M.O. 03-071905  
**Disposition:** Approved.

6. **AWARD OF CONTRACT - SUBDIVISION PLAN CHECKING SERVICES**

**Recommendation:** That the City Council:
1. Authorize the Mayor to execute the “Service Agreement” for Subdivision Plan Checking Services, to the firm of Quad-Knopf, Inc. at an agreed fee of $125.00 per lot and within the guidelines of the Scope of Services;
2. Authorize staff to impose a 7.5% administrative fee to Quad-Knopf Services; and
3. Authorize staff to request payment prior to the City Council accepting the Final Map.

**Documentation:** M.O. 04-071905  
**Disposition:** Approved.

9. **CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY**

**Recommendation:** That the City Council:
1. Accept SCE’s request to have the City convey an easement for the installation of an underground electrical supply system;
2. Authorize the Mayor to sign the Grant of Easement; and
3. Authorize the City Clerk to record the Easement Deed with the County Recorder’s Office.

**Documentation:** Resolution 98-2005  
**Disposition:** Approved.

10. **INTENT TO VACATE PUBLIC TEMPORARY TURN AROUND, CONCRETE TRUCK WASH OUT AREA AND STORM DRAIN PIPELINE EASEMENTS RELATED TO THE DEVELOPMENT OF NEW EXPRESSIONS, PHASE FOUR SUBDIVISION (ENNIS LAND DEVELOPMENT, LLC)**

**Recommendation:** That the City Council:
1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville described in Document No. 2004-0005740, recorded January 21, 2004, in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of August 16, 2005, or as soon thereafter, as the time and place for a public hearing.

**Documentation:** Resolution 99-2005
Disposition: Approved.

11. THIS ITEM HAS BEEN REMOVED.

13. REQUEST APPROVAL OF LAND LEASE AT PORTERVILLE MUNICIPAL AIRPORT - WAYNE SPEARS, LOT 60

Recommendation: That the City Council:
1. Approve the Lease for Lot 60 at the Porterville Municipal Airport to Wayne Spears; and
2. Authorize the Mayor to sign on behalf of the City.

Documentation: M.O. 05-071905
Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT - CITY OF PORTERVILLE - PORTERVILLE COMMUNITY HOMECOMING FESTIVAL

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the City of Porterville, subject to the Restrictions and Requirements contained in application, agreement and Exhibit “A” of the Community Civic Event forms.

Documentation: M.O. 06-071905
Disposition: Approved.

15. ALTERNATIVE STAFFING FOR THE PARKS AND LEISURE SERVICES DEPARTMENT/LIBRARY DIVISION

Recommendation: That the City Council approve the draft Resolution amending the Employee Pay and Benefit Plan to reflect the proposed allocations, and approve the job descriptions as presented.

Documentation: Resolution 100-2005
Disposition: Approved.

16. CHART OF ACCOUNTS MODIFICATION FOR GREATER DETAIL IN THE COUNCIL BUDGET

Recommendation: That the Council approve the modifications to the chart of accounts covering the City Council budget.

Documentation: M.O. 07-071905
Disposition: Approved.

17. CONSIDERATION OF A RESOLUTION OF THE PORTERVILLE CITY COUNCIL PLEDGING NOT TO USE EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES

Recommendation: This Item has been presented by a Member of the Council and the staff has no specific recommendation.
COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Items 1, 2, 4, 6, 9 through 11, and 13 through 17.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

3. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the Council authorize purchase by negotiation of the specialized equipment itemized below and authorize payment for said equipment upon satisfactory delivery.

<table>
<thead>
<tr>
<th>Department</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>FS/Solid Waste</td>
<td>Automated Containers</td>
</tr>
<tr>
<td></td>
<td>Three Sideloaders &amp; One Recycling Rolloff</td>
</tr>
<tr>
<td>FS/Water Quality</td>
<td>Lab Equipment Upgrade</td>
</tr>
<tr>
<td></td>
<td>Chlorine Generation Equipment Upgrade</td>
</tr>
<tr>
<td>FS/Streets</td>
<td>Pneumatic Roller</td>
</tr>
<tr>
<td></td>
<td>Utility Bodies</td>
</tr>
<tr>
<td>Police</td>
<td>Patrol Vehicles</td>
</tr>
<tr>
<td>Engineering</td>
<td>Hybrid Vehicle</td>
</tr>
<tr>
<td>Parks</td>
<td>Playground Equipment &amp; Pool Slide</td>
</tr>
<tr>
<td></td>
<td>Tandem Trailer</td>
</tr>
</tbody>
</table>

Council Member Stadtherr confirmed with staff that the Council would receive the estimated costs for each of the items listed on the equipment list.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council authorize purchase by negotiation of the specialized equipment contained in the staff report and authorize payment for said equipment upon satisfactory delivery.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS - SKATEBOARD PARKING LOT PROJECT

Recommendation: That the City Council:
1. Approve the Plans and Project Manual;
2. Authorize staff to advertise for bids on the Project; and
3. Direct the preparation of a budget adjustment for the park impact funds at the time that the parking lot bid award is considered.

City Manager John Longley presented the item.

In response to a question posed by Council Member Irish regarding the number of parking stalls, staff indicated that the “base” project included 24 parking stalls, and the “add alternate” included 7 additional parking stalls. It was stated that the parking lot, including the additional 7 stalls, would not only serve the Skate Park, but the entire Veterans Park, where parking was a premium. A discussion ensued as to the number of stalls originally planned, during which it was pointed out that the environmental document anticipated more than 23 parking stalls.

Council Member Irish voiced disappointment with the late addition of 7 more stalls at a cost of $25,000 while at the same time the City was reducing the Library’s hours. He also voiced concern with the carryover of $25,000 in the Parks & Leisure Services budget.

In response to a question posed by Mayor West, it was clarified that the $15,000 pledged by the Noon Rotary Club was for the Skate Park itself, and not the parking lot.

Mayor Pro Tem Hamilton commented that he understood Council Member Irish’s concerns regarding the Library, but stated that the parking lot was to be funded by Impact Fees from Parks, which could not be applied toward the Library.

Council Member Stadtherr moved to approve staff’s recommendation.

Mayor Pro Tem Hamilton seconded the motion and voiced agreement with Council Member Irish’s concerns that in the future, staff needed to bring such items to Council’s attention much sooner.

Council Member Stadtherr concurred with Mayor Pro Tem Hamilton’s comments.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve the Plans and Project Manual; authorize staff to advertise for bids on the project; and direct the preparation of a budget adjustment for the park impact funds at the time that the parking lot bid award is considered.

AYES: Hamilton, Stadtherr, West
NOES: Irish
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

7. AWARD OF CONTRACT - TULE RIVER PARKWAY LANDSCAPE MAINTENANCE

Recommendation: That the City Council:

1. Award the contract for landscape maintenance for the Tule River Parkway to CSET of Visalia, California, in the annual amount of $15,813 and authorize monthly payment upon satisfactory performance; and
2. Authorize annual contract extensions upon mutually agreeable terms.
City Manager John Longley presented the item.

Council Member Irish commented on the disparity between the two bids and questioned staff as to potential reasons. It was stated that both bids were in order.

Mayor West questioned whether the City was satisfied with CSET’s performance in the past and voiced concerns with potential problems in the future. It was stated that CSET was attempting to get better established in providing youth training in Porterville, and that the contract at hand was basic landscape maintenance.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council award the contract for landscape maintenance for the Tule River Parkway to CSET of Visalia, California, in the annual amount of $15,813 and authorize monthly payment upon satisfactory performance; and authorize annual contract extensions upon mutually agreeable terms.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

8. AWARD OF CONTRACT - MEDIAN ISLANDS LANDSCAPE MAINTENANCE

Recommendation: That the City Council:
1. Award the contract for landscape maintenance for the City’s median islands to Ray’s Landscape of Sanger, California, in the annual amount of $48,672 and authorize monthly payment upon satisfactory performance; and
2. Authorize annual contract extensions upon mutually agreeable terms.

City Manager John Longley presented the item.

In response to questions posed by Mayor Pro Tem Hamilton, staff indicated that the bid process began approximately one month prior and RFPs had been sent to all known landscape maintenance providers. It was stated that at least two of the firms had indicated the scope was beyond their capabilities due to safety concerns in working in medians. A discussion ensued as other work Ray’s Landscape currently provided the City, during which it was pointed out that the subject contract was more expansive in scope.

Mayor Pro Tem Hamilton voiced concern with a “one-person bid” and suggested that the Council send the contract back to bid.

Council Member Irish agreed with Mayor Pro Tem Hamilton’s concerns and requested legal clarification as to the process.

City Attorney Julia Lew indicated that the Council could reject the bid and re-bid the project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council reject the bid submitted by Ray’s Landscape of Sanger in the annual amount of $48,672; and direct staff to re-bid the project.
AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Motion to re-bid approved.

12. ANNUAL ENGINEER’S REPORT AND ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS

Recommendation: That the City Council adopt the Resolution ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2005-2006.

City Manager John Longley presented the item and indicated that staff had requested that the item be removed from Consent Calendar.

Mr. Perrine indicated that he had requested that the item be pulled so that the Council could consider adoption of a second resolution to officially set a date for the public hearing, which staff recommended take place on August 2, 2005. He informed the Council that the draft resolution had been provided to them under separate cover prior to the Council Meeting.

In response to a question posed by Council Member Irish regarding how the Landscape and Lighting Maintenance Districts were inspected, Mr. Perrine indicated that contractors inspected all of the Districts to ensure maintenance work was routinely performed. It was stated that inspections were scheduled according to the complexity of the District. A discussion ensued as to the varying materials and designs utilized by different Districts thereby affecting the degree of required maintenance.

Council Member Irish requested a copy of the Inspection Form utilized during inspections. He voiced support for having some type of standards that were equally applied. It was confirmed by staff that if a form was not readily available, something would be created and provided to the Council.

Mayor Pro Tem Hamilton confirmed with staff that while each District had been created somewhat differently, the Districts also had some common elements. It was then stated that the second resolution provided to the Council that evening was similar to the resolution passed the prior year, with the exception of the addition of any new Districts and the language regarding the fact that the Engineer’s Report had not yet been completed.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the Resolution ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2005-2006, and adopt the Resolution Declaring the City’s Intention to Levy and Collect Assessments for Fiscal Year 2005-2006 in Landscape and Lighting Maintenance Assessment Districts, Declaring the Work to be of More Than Local or Ordinary Public Benefit, Specifying the Exterior Boundaries of the Areas Within the Landscape Maintenance Districts and to be Assessed the Cost and Expense thereof, Designating Said District as Landscape and Lighting Maintenance Districts, Determining That These Proceedings Shall be Taken Pursuant to the Landscaping and Lighting Act of 1972, and Offering a Time and Place for Hearing Objections Thereto.
AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

PUBLIC HEARING
18. ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That the City Council:
1. Approve the proposed Zoning Ordinance Amendment and give first reading to
   the draft ordinance; and
2. Waive further reading of the draft ordinance approving Zoning Ordinance
   Amendment 1-2005, and order it to print.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap
presented the staff report.

The public hearing opened at 7:58 p.m.

• Pete McCracken, 657 Village Green, voiced concerns with future zone changes and the
  potential effects on the proposed Amendment.
• Jim Winton, business address at 150 West Morton Avenue, informed the Council of BIA
  President Bob Keenan’s absence that evening due to illness, and spoke against the
  Amendment as proposed citing concerns with a lack of fairness and problems with
  making schools comply.
• Greg Shelton, 888 North Williford Drive, noted the dynamic nature of zoning and spoke
  against the Amendment as proposed.
• Dennis Townsend, business address at 633 N. Westwood Street, voiced concerns with
  the proposed Amendment.
• Greg Woodard, 1055 W. Morton Avenue, echoed the concerns raised by Mr. Winton.
• Dorothy Broome, address on record, came forward and made general comments
  regarding the importance of citizen involvement.
• Pete McCracken, address on record, voiced concerns with the proposed Amendment,
  citing issues with church properties in residential neighborhoods.
• Dick Eckhoff, address on record, voiced concerns with the proposed Amendment and
  suggested that the landowner creating the impact should be required to construct the
  wall.

The public hearing closed at 8:22 p.m.

Council Member Irish commented that the Amendment had been a work in progress and that the goal was
to protect residential properties from commercial properties. He noted that, as was typical, the exceptions were
always what caused the problems. He then acknowledged everyone’s involvement and efforts to date and
suggested that meetings between the development community, staff and Council representatives continue until
such time as a mutually agreeable resolution was reached.

Mayor Pro Tem Hamilton clarified for everyone that in situations involving church properties abutting
residential, the matter could be handled via a Conditional Use Permit. He acknowledged Mr. Winton’s comments
regarding Special Use Permits and commented that the Council could use that mechanism as a tool. He then agreed that the Council was trying to protect residential properties, adding that the other use should bear any costs. He commented that he would like to see the item brought back.

Council Member Stadtherr agreed that the item should be brought back.

Mayor West questioned how other communities handled such situations. He then noted that block walls were more cost effective in the long term, due to their lack of required maintenance.

The Council concurred that the item should be brought back before the Council at a later date.

Mr. Dunlap requested clarification as to the Council’s direction, noting that with the elimination of the school issue, the parties were fairly close.

Council Member Irish commented that he would like to see one more meeting between staff, the building industry and Council representatives, adding that he did not wish for the item to drag on for another six months.

Mayor Pro Tem Hamilton requested information from staff regarding the capping of wooden fences, such as a location where he could view that practice. It was confirmed by staff that a schematic drawing of the proposed cap could be provided to the Council for clarification. Mayor Pro Tem Hamilton then agreed that with regard to the school sites, there was not much the Council could do.

Mayor West commented that in situations in which block walls were constructed adjacent to wooden fences, in most cases, the wooden fence was removed. A discussion ensued regarding possible dates to bring the item back before the Council, during which August 16, 2005 was selected.

Disposition: Continued to August 16, 2005.

19. ZONE CHANGE 3-2005 (MRS. NEAL DAYBELL)

Recommendation: That the Council:
1. Adopt the draft resolution approving a Negative Declaration for Zone Change 3-2005; and
2. Adopt the draft ordinance approving Zone Change 3-2005.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 8:47 p.m.

- Carolyn Daybell, the applicant, commented on the positive aspects of the proposed project, requested that the Council approve the proposed Zone Change, and thanked everyone for their time.

The public hearing closed at 8:49 p.m.

Mayor Pro Tem Hamilton commented that he believed that the proposed project was a good project and that the requested Zone Change complied with the area to the west of the subject site.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft Resolution approving a Negative Resolution 104-2005 Declaration for Zone Change 3-2005; and approve the draft ordinance.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

M.O. 12-071905 MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council read the Ordinance by title only, waive further reading, and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2005 BEING A CHANGE OF ZONING FROM CITY C-3 (HEAVY COMMERCIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR THOSE EIGHT (8) LOTS LOCATED ON THE WEST SIDE OF NORTH “E” STREET EXTENDING SOUTH OF WILLOW AVENUE.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

20. ZONE VARIANCE 2-2005 (DALE DOTY)

Recommendation: That the City Council adopt the draft resolution approving the Zone Variance 2-2005.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 8:52 p.m.

• Jim Winton, address on record, came forward on behalf of the applicant and spoke in favor of the proposed Zone Variance.

The public hearing closed at 8:54 p.m.

Mayor Pro Tem Hamilton commented that the street was in need of repair and questioned whether it would be widened at the time the 12 foot dedication was accepted by the City.

Public Works Director Baldo Rodriguez indicated that widening the street might be a condition of a permit, but that further investigation into the situation would need to take place.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council adopt the draft resolution approving Zone Variance Resolution 105-2005 2-2005.
AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

21. VACATION OF A PORTION OF CLEVELAND AVENUE AND AN ALLEY WITHIN THE MORTON GARDENS SUBDIVISION (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Adopt the Resolution Ordering the Vacation of improved segments of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street; and
2. Authorize the City Clerk to record the Resolution of Abandonment with the County Recorder.

Noting a conflict of interest, Council Member Irish recused himself and left the Council Chambers.

Council Member Stadtherr also indicated that he had a conflict of interest.

City Attorney Julia Lew stated that she had discussed the conflict of interest issue with Council Member Irish and Council Member Stadtherr. She stated that Council Member Irish had a direct financial conflict of interest. She indicated that Council Member Stadtherr had an appearance issue due to his service on the Board of Sierra View’s Foundation, which she noted was a non-profit entity separate from the hospital itself. Ms. Lew pointed out that at least three Council Members were needed to comprise a quorum, and that three affirmative votes would also be needed to pass the proposed resolution. Ms. Lew then invoked the Rule of Necessity so as to allow one of the Council Members to remain in Chambers. She noted that since a clear distinction had been made between the conflicts, she indicated that Council Member Stadtherr would remain and Council Member Irish would recuse himself.

Mayor Pro Tem Hamilton noted a potential conflict of interest, stating that he might own property within 500 feet of the subject location. It was then confirmed by staff that Mayor Pro Tem Hamilton’s residence was outside of that 500 foot requirement.

City Attorney Julia Lew noted that the direct financial conflict of interest would remain the greater conflict.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:58 a.m.

- Kelly Morgan, CEO of Sierra View District Hospital, 465 West Putnam Avenue, spoke in favor of the proposed vacation and thanked the Council for their consideration.
- Ron Wyatt, Sierra View District Hospital, offered the Council a PowerPoint presentation detailing the Hospital’s expansion plans, and requested that the Council approve the proposed vacation.
Steve Pearson, questioned the future of the alleyway, to which City Engineer Mike Reed clarified that access through the alley would remain.

The public hearing closed at 9:07 p.m.

Council Member Stadtherr clarified with staff the number of parking stalls proposed for the project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the Resolution Ordering the Vacation of Improved Resolution 106-2005 Segments of Cleveland Avenue and a Northerly Connecting Alley Between Pearson Drive and Villa Street; and authorize the City Clerk to record the Resolution of Abandonment with the County Recorder.

AYES: Hamilton, Stadtherr, West
NOES: None
ABSTAIN: Irish
ABSENT: Martinez

Disposition: Approved.

SCHEDULED MATTERS
22. REQUEST FOR PROPOSALS (RFP) FOR CURBSIDE RECYCLING

Recommendation: That the Council:
1. Approve Option No. 1 and authorize staff to advertise for Processing and Residual disposal as detailed in the official RFP that incorporates any comments provided by Council;
2. Appoint the City Attorney and City Auditor to the Curbside Recycle Selection Committee; and
3. Authorize that the bids be processed through the selection committee with a recommendation to be returned to City Council for consideration.

City Manager John Longley presented the item and indicated that Public Works Director Baldo Rodriguez would present the staff report.

Council Member Irish commented that since the issue of curbside recycling was quite significant, he did not feel comfortable proceeding without a full Council.

Mayor Pro Tem Hamilton suggested that the Council could hold off on the vote but could continue with the discussion so as to determine each other’s views. He added that there were individuals present that would like to address the Council and that he would like to hear what they had to say. Mayor Pro Tem Hamilton then stated that he did not believe hearing the staff report was necessary.

City Manager John Longley requested the opportunity to allow staff to provide a summarized version of the staff report. Mr. Rodriguez proceeded with presenting the staff report, which included the following options:

Option No. 1: Direct staff to advertise the RFP for Processing and Residual Disposal, process bids through the selection committee, and provide City Council with the committee’s recommendation.
Option No. 2: Direct staff to advertise both the RFP for Processing and Residual Disposal and the RFP for Collection of Residential Recyclables at the same time. For there to be an accurate and competitive bid, staff will have to select a processor from which to build a collection and processing proposal.

Mayor Pro Tem Hamilton commented that if the Council was not proceeding further that evening, he would hold his rebuttal.

Public comments were next invited by the Council.

- John Mohoff, General Manager of Sunset Waste of Visalia, came forward and voiced support for one RFP for collection, processing and disposal. He indicated that one RFP would encourage greater competition and offer a more expeditious process. He added that a two-RFP process would limit collectors to one site and thereby eliminate creativity and the ability to internalize profits.

Mayor West commented that the only goal was to get the best deal for the taxpayers of the City of Porterville.

Mr. Rodriguez spoke of the detail involved in the RFP process, which he stated ensured that all bidders bid on the same thing, with no hidden numbers. He summarized that the greater the information the City could glean from the process, the better. He then confirmed that the same information could be gleaned from a one-RFP process, but suggested that a one-RFP process might eliminate some haulers who were interested in hauling, yet not in the processing portion, and/or visa versa.

Mayor Pro Tem Hamilton commented that the City was one bidder that would be affected, to which staff responded that the City would submit a bid either way.

City Manager John Longley spoke in favor of a two-RFP process, stating that unless the hauling distances and costs were known, a responsive hauling RFP would prove challenging. A discussion ensued as to which processors might be utilized, during which it was stated that Visalia or Fresno were likely locations, yet not known for certain.

Council Member Stadtherr commented that being paid for recyclables was the City’s main priority. He suggested that perhaps the matter was being broken down into more steps than was necessary.

Mayor West noted that in the building industry, separate service providers allowed for more cost efficiency.

Council Member Irish reiterated his comments about the matter being complex and again voiced his desire to continue the matter until a full Council could review the matter. He added that the Council might glean more information in a two-RFP process.

Mayor Pro Tem Hamilton agreed the matter could be continued. He then commented that he thought that staff had put forth options that would benefit the City as a potential bidder, adding that if the City proceeded with two RFPs, the first one should be for processing, and the second should be for processing and hauling together. He then noted the importance of complying with AB939 and spoke of the potential benefits to Tulare County if the waste stream could be diverted outside of the County.
Mr. Longley informed the Council that staff had proposed a two-RFP process at the Council’s previous direction, noting that proceeding with two-RFPs would provide more control over the process. He indicated that because the recycling process was driven by diversion rates, transparency to that process was key to ensuring that maximum diversion rates were attained. He stated that the more knowledgeable the City was as to the waste stream, the greater the likelihood contamination could be controlled, thereby affecting the return from the processing facility.

Mayor Pro Tem Hamilton questioned if the City would then have somebody at the processing plant to ensure the objective diversion rates. He commented that the City would be at the processor’s mercy. A discussion ensued during which it was stated that the RFP for processing included specific reporting requirements.

Mayor West commented that he would hate for the public to think that the Council was slanted towards the City, and that he supported a level playing field.

Council Member Irish commented that he didn’t mind the process being slanted towards the City if the City would ultimately save the taxpayers money. He stated that he needed more information to ensure that this would be what happened, adding that the more information gleaned in the process, the better. He stated that two separate RFPs might provide more information, and that in the end, the Council might return to one RFP.

Mayor Pro Tem Hamilton commented that he was not complaining about two RFPs, but that the second RFP should not just be for hauling. He commented that the experts in the field should be allowed to bid on hauling and processing at the same time. He stated that if the Council did not like what it saw, the matter could be placed on hold. He then warned of “muddying the water” with two RFPs.

- John Mohoff, Sunset Waste, came forward and stated that if the City altered the RFP process, in the second RFP, the City would have a partner to bid with against the other haulers. He stated that the City could use its fixed location to bid in an open market situation against outside haulers and processors.

Mayor Pro Tem Hamilton voiced concern with using City trucks to haul materials to Visalia and/or Fresno and having to pay tipping fees.

It was decided that the matter would be brought back before the Council on August 2, 2005.

Disposition: Continued to August 2, 2005

23. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

Recommendation: That the City Council:
1. Approve the submittal of a HOME Investment Partnership Program (HOME) funding application for an amount not to exceed $4,000,000 for a Rental New Construction Project to the California Department of Housing and Community Development;
2. Authorize the Mayor to execute all documents pertaining to the HOME program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development.
Development or the U.S. Department of Housing and Urban Development for administration of the HOME program.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

A discussion ensued regarding the rental units constructed on Date Street and how that project differed from the project proposed on South E Street.

Mayor Pro Tem Hamilton voiced concern with creating a situation that might increase criminal activities similar to the situation on Date Street.

Mr. Dunlap indicated that the developers of the tax-credit projects were extremely experienced in the industry and active owners/managers of their properties. He stated that three other tax-credit projects existed in the City where no problems had occurred. He added that the proposed project on South E Street was to be of lower density.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council approve the submittal of a HOME Investment Partnership Resolution 107-2005 Program (HOME) funding application for an amount not to exceed $4,000,000 for a Rental New Construction Project to the California Department of Housing and Community Development; authorize the Mayor to execute all documents pertaining to the HOME program; and authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development for administration of the HOME program.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

24. THIS ITEM HAS BEEN REMOVED.

25. PARKS & LEISURE SERVICES COMMISSION VACANCY REPORT

Recommendation: That City Council give consideration and accept the report and extend the appointment to allow time for a press release announcing the Parks & Leisure Services Commission vacancy, and set the City Council meeting of August 2, 2005 for making the appointment.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report. Mr. Perrine indicated that subsequent to the compilation of that evening’s Agenda, his Department had received two additional Requests for Appointment: one from Mr. Tom O’Sullivan, and one from Mr. Daniel Hoffman. Mr. Perrine then noted that applicant Mr. Joshua D. Kittrell was ineligible at the present time as he currently resided outside of the City limits.
Mayor Pro Tem Hamilton commented that he would prefer to fill the vacancy that evening, and moved that Mr. Tom O’Sullivan be appointed.

Council Member Irish seconded Mayor Pro Tem Hamilton’s motion.

Council Member Stadtherr suggested that applicants should be required to provide a resume or the like. Mayor Pro Tem Hamilton agreed with Council Member Stadtherr’s comments and stated that at the least, the applicants should provide a paragraph or two about their qualifications.

Council Member Irish warned that standards would need to be set if the Council required applicants to provide a resume.

A discussion ensued as to information provided by each applicant, during which Mr. Longley confirmed that all future Committee and/or Commission applicants would be required to complete a detailed application similar to that required by Council candidates.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council accept the Parks & Leisure Services Commission Vacancy Report and appoint Tom O’Sullivan to serve on the Commission.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

26. CONSIDER ADOPTION OF A NOISE ORDINANCE (CONTINUED)

Recommendation: That the City Council:
1. Direct Staff on how to proceed with the outlined issues;
2. Set a public hearing for the adoption of the draft noise ordinance with amendments on August 16, 2005.

City Manager John Longley introduced the item and the staff report.

Council Member Stadtherr commented that while he wished that common courtesy would alleviate such a need, the Council should move forward with pursing a noise ordinance.

Mayor West voiced support for a noise ordinance, citing problems with noise on weekend evenings in his neighborhood.

At the request of Mayor Pro Tem Hamilton, the item was continued to an unspecified date so as to allow time for him to re-write the draft ordinance.

Disposition: Continued.
Recommendation: That the Council provide direction to staff.

City Manager John Longley presented the item and the staff report.

Council Member Irish commented that he did not have a problem with individuals that resided outside of the City’s limits serving on committees or commissions, but that residents should have the majority, and non-residents should be a minority. He suggested a 60/40 or 70/30 split. He added that non-residents should at least be within the sphere of influence. A discussion ensued as to ways in which a “sphere of influence” could be defined.

Council Member Stadtherr suggested that rather than solely basing eligibility on residency, a nexus with the City could be identified. He stated that such a nexus could be established through residency or employment.

Mayor West agreed with Council Member Irish’s statement that a majority of committee members should be residents, such as the suggested 70/30 split. He then voiced support for the establishment of a nexus through business ownership in Porterville and not merely by employment in Porterville.

A discussion ensued as to ways in which a resident-only majority could be defined, during which it was suggested a simple majority requirement could be established.

Mayor Pro Tem Hamilton spoke of the Council typically appointing only individuals they knew and of the importance of getting the word out to attract new individuals for committees. He voiced support for Porterville residents holding a larger majority and commented that a nexus should only be established through residency or business ownership within Porterville.

Council Member Irish commented that he would always likely appoint individuals that he knew, rather than individuals that he did not.

- Dick Eckhoff, Downtown Porterville Association President, and owner of Sierra Trophies, 197 N. Main, came forward and voiced support for the establishment of a nexus through business ownership in Porterville and/or residency in the area, not only Porterville. He stated that the Council ultimately voted on issues, whereas committee and commission members did not.

Council Member Irish moved that the Council require all future appointments to City committees and/or commissions, unless otherwise governed by Charter, be eligible for appointment through a nexus established by either residency or business ownership within Porterville, with residents holding the majority by a 70/30 split. He noted that such a majority split could be modified in the future if needed.

Mayor Pro Tem Hamilton seconded Council Member Irish’s motion.

Council Member Stadtherr questioned whether or not rental property ownership constituted business ownership, to which Council Member Irish responded that he believed it did and Mayor Pro Tem Hamilton stated that he believed it did not.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council direct staff to proceed with the appropriate documentation to require that eligibility for all future appointments to City committees and/or commissions, unless otherwise specified by Charter, be based on a nexus established by either residency or business ownership within the City of Porterville, with residents holding the majority by a 70%/30% split.
AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

City Attorney Julia Lew indicated that she would research the appropriate mechanism for establishing the eligibility requirement. It was confirmed that once the documentation was drafted, the item would return to the Council for approval on Consent Calendar.

Disposition: Approved.

28. RESPONSE TO GRAND JURY FINAL REPORT OF MOSQUITO ABATEMENT IN TULARE COUNTY

Recommendation: That the City Council:
1. Review the Tulare County Grand Jury Final Report and Letter of Response; and
2. Authorize the Mayor to execute the Letter of Response, which will be forwarded by the City Manager’s Office to the Tulare County Grand Jury.

City Manager John Longley presented the item and the staff report.

Mayor Pro Tem Hamilton commented that he had yet to see a County in the United States with a Mosquito Abatement Program that had not had cases of West Nile Virus.

Council Member Stadtherr voiced approval of the draft letter.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council authorize the Mayor to execute the Letter of Response, which will be forwarded by the City Manager’s Office to the Tulare County Grand Jury.

Disposition: Approved.

29. OFF-HIGHWAY VEHICLE IMPROVEMENT GRANT

Recommendation: Receive informational update.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

Mayor Pro Tem Hamilton commented that he had spoken with several individuals at the OHV Park who had voiced interest in the City proceeding with fencing and grand stand areas first, prior to lighting. He then stated that staff had indicated grants for lighting would be sought.

Council Member Stadtherr commented that when lighting for the OHV park was sought, those efforts should be mindful of the Airport.

Disposition: Informational report only.

30. AIRPORT HANGAR PURCHASE - ACCEPTANCE OF LOAN
Recommendation: That the City Council:
1. Authorize the acceptance of the loan from Caltrans;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize staff to begin escrow, with the City paying normal and customary escrow fees;
4. Authorize staff to make payment to Art Coulter in the amount of $118,000, less customary fees;
5. Authorize staff to record all documents with the County Recorder; and
6. Authorize staff to pay excess principle on the note as funds are available thereby trying to achieve the standard mortgage amortization schedule.

City Manager John Longley presented the item.

Council Member Irish commented that he had requested that the item be brought to Council and that presentation of the staff report was not necessary as his questions had been answered.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council authorize the acceptance of the loan from Caltrans, authorize the Mayor to sign all necessary documents; authorize staff to begin escrow, with the City paying normal and customary escrow fees; authorize staff to make payment to Art Coulter in the amount of $118,000, less customary fees; authorize staff to record all documents with the County Recorder; and authorize staff to pay excess principle on the note as funds are available thereby trying to achieve the standard mortgage amortization schedule.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

31. APPLICATION FOR CHARITABLE CAR WASH PERMITS

Recommendation: That the Council:
1. Approve the application for charitable car wash permits as provided; and
2. Set the date of August 2, 2005 as the date and time for the public hearing to establish the application fee for processing charitable car wash applications.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report. Mr. Pyle noted the full Agenda for the August 2, 2005 Council Meeting and requested that the recommendation be amended to set August 16, 2005 as the date for the public hearing.

Mayor Pro Tem Hamilton noted that as currently written, the application required a $25 fee for every car wash. He questioned whether organizers would be required to pay the $25 fee every time they wished to hold a car wash, to which staff indicated that some consideration of fee waiver could be given.

Council Member Irish questioned whether the proposed $25 application fee would be waived if the organization held their car wash in a compliant commercial car wash location. It was explained that the proposed
$25 fee was designed to cover the cost of processing the application, maintenance of the database, confirming property owner approval, verification of non-profit status, etc.

City Attorney Julia Lew stated that the $25 fee applied to everyone that applied for a permit, regardless of the location of the proposed car wash.

Council Member Stadtherr suggested that perhaps the application could allow applicants the choice of applying for more than one car wash on one application, thereby eliminating subsequent applications fees. A discussion ensued as to whether the Council should allow one applicant to tie up a particular location for multiple car washes, which might prevent other organizations from utilizing that location.

Mayor Pro Tem Hamilton commented that the process was new, and moved that the Council approve the application as written, pointing out that it could always be revised at a later date.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the application for charitable car wash permits as provided, and set the date of August 16, 2005 as the date and time for the public hearing to establish the application fee for processing charitable car wash applications.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Council Member Stadtherr requested that staff research possibly offering the application online.

Mr. Pyle indicated that staff was currently looking into making permits like the car wash application, as well as building permit applications and activities, accessible from the City’s website. He noted that currently employment applications were downloadable off of the website, and that staff would like to progress towards making the website more interactive.

Disposition: Approved.

32. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

City Manager John Longley suggested, and the Council agreed, that Items 32 and 33 be combined and presented together. Deputy City Manager presented both staff reports.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Pyle clarified that the historical data provided at the bottom of the Portfolio Summary referred to fiscal quarters, not calendar quarters. A discussion ensued as to the Bloomberg Market Price versus Purchase Price figures reflected on the Summary.

Mayor Pro Tem Hamilton commented that in the future he would like to see current market value also provided on the Portfolio Summary.
Mr. Pyle indicated that the Bloomberg Market Price was currently available to the City at no cost as was generally accepted in the market as an accurate index for current market values.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the City Council accept the quarterly Portfolio Summary in accordance with M.O. 18-071905 SB 564 and SB 866; and accept the Interim Financial Status Report for the 4th Fiscal Quarter ended June 30, 2005.

AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: None
ABSENT: Martinez

Disposition: Approved.

33. INTERIM FINANCIAL STATUS REPORT

Recommendation: That Council accept the interim financial status reports as presented.

(Note: This item was combined with Item No. 32.)

Documentation: M.O. 18-071905
Disposition: Approved.

ORAL COMMUNICATIONS

• Greg Shelton, address on record, voiced satisfaction with the Williford Drive Reconstruction Project; voiced concerns with Item No. 27; and spoke against spending an additional $25,000 on the Skate Park Parking Lot, while the City had reduced the Library’s hours.

• City Manager John Longley clarified that the Council’s action on Item 27 did not pertain to the appointment requirements for the Library Board nor the Parks and Leisure Services Commission.

• Dick Eckhoff, address on record, suggested that the Fair Grounds also be addressed in the proposed Noise Ordinance.

• Pete McCracken, 657 Village Green, noted his Subdivision currently had a pocket park and invited Council and staff to visit it.

• Joe Guerrero, address on record, clarified with staff that renters in Porterville would also be eligible for committee appointments. He then requested a copy of the proposed noise ordinance. Mr. Longley informed Mr. Guerrero that a copy could be obtained from the City Clerk’s Office.

• Felipe Martinez, 195 West Putnam, suggested that lack of proper lighting on Date Avenue was contributing to criminal activity, and then referred the Council and staff to a section of Date Avenue that was in need of improvements.

OTHER MATTERS

• Mayor Pro Tem Hamilton reported to the Council on the recent trip to La Quinta to inspect a Super WalMart.

• Council Member Stadtherr noted the importance of proper infrastructure to support a Super WalMart; and reported on the Police Ride-Along in which he and Mayor West participated on Friday. He thanked the officers for their hard work.
ADJOURNMENT
The Council adjourned at 10:49 a.m. to the meeting of August 2, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Kelly West, Mayor